

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) Case No. CR-11-354-D
)
)
SAFIYYAH TAHIR BATTLES,)
)
)
Defendant.)

O R D E R

The Court has received a *pro se* filing by Defendant Safiyyah Tahir Battles entitled “Motion for a New Trial” [Doc. No. 149]. Ms. Battles has legal representation in this case, in which she is awaiting sentencing following a jury trial and a verdict of guilty on Counts 2 and 3 of the Indictment. She was represented at trial by appointed counsel, Marna Franklin, and after trial, by retained counsel, Bill Zuhdi, who has made several filings on Ms. Battles’ behalf. Accordingly, the Court finds that Ms. Battles should not be permitted to personally make written submissions to the Court. She has no right to hybrid representation in which she both represents herself and is represented by counsel. *See United States v. Hill*, 526 F.2d 1019, 1025 (10th Cir. 1975); *see also United States v. Chavis*, 461 F.3d 1201, 1205-06 (10th Cir. 2006); *United States v. McKinley*, 58 F.3d 1475, 1480 (10th Cir. 1995). Although a trial court has discretion to permit such representation in a particular case, the Court declines to exercise such discretion here.

IT IS THEREFORE ORDERED that Ms. Battles’ *pro se* filing [Doc. No. 149] is stricken from the record and will not be considered. A sentencing hearing is currently set to occur on

January 17, 2013, and any personal statement that Ms. Battles wishes to make will be received during the sentencing proceeding, in accordance with Fed. R. Crim. P. 32(i)(4).

IT IS SO ORDERED this 9th day of January, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE